

House Study Bill 184

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON UPMEYER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to requests for correction of child abuse data or
2 findings by establishing a time frame and procedure for
3 addressing the requests.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2546YC 81
6 jp/gg/14

PAG LIN

1 1 Section 1. Section 235A.19, subsection 2, paragraph a,
1 2 Code 2005, is amended to read as follows:
1 3 a. A subject of a child abuse report may file with the
1 4 department within six months of the date of the notice of the
1 5 results of an assessment performed in accordance with section
1 6 232.71B, a written statement to the effect that report data
1 7 and disposition data referring to the subject is in whole or
1 8 in part erroneous, and may request a correction of that data
1 9 or of the findings of the assessment report. ~~The Within~~
1 10 ~~ninety days of the filing of the request the department shall~~
1 11 ~~respond to the subject in writing, either correcting the data~~
1 12 ~~or findings identified in the request in whole or in part or~~
1 13 ~~denying the request in whole or in part. The reasons for a~~
1 14 ~~denial shall be stated in the response. At the request of the~~
1 15 ~~subject, the department shall promptly provide the subject~~
1 16 ~~with an opportunity for an evidentiary hearing pursuant to~~
1 17 ~~chapter 17A to correct the data or the findings, unless the~~
1 18 ~~department corrects the data or findings as requested contest~~
1 19 ~~the denial. The However, the department may defer the hearing~~
1 20 ~~until the conclusion of a pending juvenile or district court~~
1 21 ~~case relating to the data or findings. Judicial review of the~~
1 22 ~~department's final decision shall be available pursuant to the~~
1 23 ~~provisions of section 17A.19.~~

EXPLANATION

1 24 This bill relates to requests made to the department of
1 25 human services for correction of child abuse data or findings
1 26 by establishing a time frame and procedure for addressing the
1 27 requests.
1 28 requests.
1 29 Under current law, within six months of receiving notice of
1 30 the results of a child abuse report, a subject of the report
1 31 may file with the department a request for correction of the
1 32 child abuse data or the findings of the child abuse assessment
1 33 report. Unless the department corrects the data or findings
1 34 as requested, the department must provide the subject with an
1 35 opportunity for an evidentiary hearing under Code chapter 17A.
2 1 The bill requires the department to respond to the request
2 2 in writing within 90 days, either correcting the data or
2 3 findings identified in the request in whole or in part or
2 4 denying the request in whole or in part. The reasons for a
2 5 denial must be stated in the response. If requested by a
2 6 subject, the department must promptly provide the subject with
2 7 an evidentiary hearing to contest the denial. Once there is a
2 8 final decision from the department, the subject has an
2 9 opportunity for judicial review as provided in Code section
2 10 17A.19. Code section 17A.19 establishes the process by which
2 11 an agency's final decision may be contested in court.
2 12 LSB 2546YC 81
2 13 jp:nh/gg/14